

**TOWN COUNCIL
REGULAR MEETING
JUNE 17, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis (departed 7:08 p.m.; returned 7:58 p.m.), Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3.4 Police Chief Jack Mackie introduced Lieutenant Rick Smith and Sergeants Anthony Vitale and Craig Smith who were recently promoted.

Chief Mackie advised that the Police Department's 1997 Annual Report had been printed and was distributed to Council. He advised that the Police Athletic League (PAL) would be holding a spaghetti dinner fundraiser in the near future and added that improvements had been made as a result of a donation from the American Legion. Chief Mackie indicated that an open house at the newly renovated PAL pavilion would be scheduled. He stated that he thought commitments had been received from two concrete companies to help with the new basketball courts and he was looking for someone to contribute fencing material.

3. PRESENTATIONS

3.1 Broward County Students Excellence in Academics and Athletics Award  Nova High School and Western High School

Vice-Mayor Cox stated that the Broward County School Board had recognized a number of students who attended Western High and Nova High Schools. She indicated that the following students would receive an achievement award and a Davie ball cap: from Nova High - Elliot Victor Schackne, Cori Nicole Marshall, Charissa Grace Lawrence-Smith, Derek Jay Kaufman, Jennifer Eunjoo Joh, Katie Michelle Froelich, and Amanda Marie Kah. From Western High School - Sara Jane Minikus, Bradley C. McCarraher, Megan Leigh Lasseter, Courtney Lucy Hayes, Matthew David Gregory, Tracey Marie Godfrey, and Justin Morris Deutsch.

3.2 Kathy Bieniek, Mrs. Florida America Finalist

Vice-Mayor Cox introduced Ms. Bieniek, a Davie resident, who would be representing Davie in the Mrs. Florida America. Ms. Bieniek indicated that she was honored to be representing the Town in the Mrs. Florida America pageant. Council wished Ms. Bieniek good luck.

3.3 Boy Scouts of American - Miccosukee District

Later in the meeting, Richard Levenson advised that Community Services Director Sharon Pierce-Kent, Chief Mackie, Assistant Town Administrator Robert Rawls and Fire Chief Michael Donati helped with the Eagle Board of Review which was the last step before an award was received. He presented a certificate of appreciation to Chiefs Mackie and Donati with certificates to be provided to Mr. Rawls and Ms. Pierce-Kent. Mr. Levenson also presented a certificate to Councilmember Bush who was the Eagle Advancement Coordinator.

3.4 Introduction of New Police Lieutenants and Sergeants

Introductions were presented earlier in the meeting.

3.5 Christopher Fletcher, Fire Lieutenant - Ten Years

Lieutenant Fletcher was not present.

3.6 Scott Kiso, Police Officer - Ten Years

Officer Kiso was not present.

3.7 James Tarala, Police Officer - Ten Years

Vice-Mayor Cox presented a service award to Officer Tarala.

3.8 Connie Sundquist, Administrative Secretary - Fifteen Years
Ms. Sundquist was unable to be present.

3.9 Paul Yawn, Police Officer - Twenty Years
Vice-Mayor Cox presented a service award to Officer Yawn.

3.10 Millard Barrineau, Fire Lieutenant - Twenty Five Years
Vice-Mayor Cox presented a service award to Lieutenant Barrineau.

3.11 Community Redevelopment Agency
Neal Kalis, Agency Chair, updated Council on the Agency's efforts.

3.12 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent
Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Concert in the Park at Robbins Lodge (June 21, 1998); and Pine Island Community Center Family Day and Fireworks (July 4, 1998); Independence Day Jam at the rodeo arena (July 5, 1998).
Bette Stark, Community Services Supervisor, stated that the hours for the Pine Island Community Center and pool had been expanded beginning June 22, 1998. She added that the Community Center had received a number of improvements and recommended that everyone visit the Center. She announced that upcoming events included: flag and tackle football and cheerleader squads (accepting registration) and soccer teams try-outs (13 - 17 years old).

4. OCCUPATIONAL LICENSES

Home Occupational Licenses

4.1 Sunburst Pressure Cleaning, Inc., 13730 SW 24 Street
The applicant was not present.

4.2 Hosiery Product, 1720 SW 119 Terrace
Erik Hillestad, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

4.3 A.J. Peterson, Inc., d/b/a Lease A Leaf, 14011 SW 21 Street
Antoinette Peterson, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Seasonal Sales (Fireworks) - Waiver of Occupational License Fee

4.4 Davie Apostolic Church, 6451 Orange Drive (location: 6451 Orange Drive; June 21 - July 4, 1998)
Mike Palevo, the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve and to waive the fees. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Vice-Mayor Cox announced that item 8.4 needed to be tabled to August 5, 1998.
Councilmember Bush made a motion, seconded by Councilmember Paul, to table [to August 5, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Vice-Mayor Cox announced that item 8.5 had been withdrawn.

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

SPORTS AWARDS CEREMONIES. Councilmember Weiner stated that he had a good time at the sports awards ceremony which was held at the rodeo arena.

TOWN PARKS. Councilmember Weiner was glad to see Town parks being used to their fullest potential during the latest girls softball tournament which hosted more than 80 teams.

COUNCILMEMBER PAUL

THANKS. Councilmember Paul thanked the Davie Merchants and Industrial Association for inviting her to be a guest speaker on June 16th. She also thanked the Fraternal Order of Police Associates Davie Lodge 100 for their donation to help the Police Explorers take a trip to Washington D.C. Councilmember Paul thanked staff for their efforts at the employee picnic. She also thanked Wings of Gold for the donation of hot dogs and hamburgers and the "Sorry Crew" for the barbecue.

COUNCILMEMBER BUSH

Councilmember Bush had no comments to present.

VICE-MAYOR COX

HURRICANE CLEANUP. Vice-Mayor Cox reminded everyone of hurricane season and the Town's hurricane cleanup was scheduled for July 11 - 12, 1998. She explained that this cleanup was for yard trash only and indicated that dumpsters would be set up at the Ivanhoe and Flamingo Road Fire Stations and Bergeron Rodeo Grounds.

SITE PLAN COMMITTEE. Vice-Mayor Cox stated that because of the change in the Site Plan Committee members, no member was a specialist in landscaping. She indicated that the staff had requested to hire a landscape architect, however, the Committee was asking that Council allow the Committee to appoint a landscape person as an ad hoc member to provide advice on landscaping issues. Vice-Mayor Cox stated that she had asked Mr. Webber to prepare an ordinance for discussion at the next meeting.

MAYOR VENIS

Mayor Venis was not present.

6. TOWN ADMINISTRATOR'S COMMENTS

SENIOR TRANSPORTATION. Mr. Flatley stated that a request had been made by the Town's senior citizens for a better mode of transportation and advised that the Town had returned to the previous method to a coach bus. He encouraged the seniors to contact the Community Services Department to make arrangements for transportation.

LAPTOP COMPUTER PACKET. Mr. Flatley stated that the Town would be moving forward with a paperless office and Council would be trying a electronic agenda packet at a workshop meeting to be held on June 24th. Councilmember Bush questioned if a disk would be available to the public with Town Clerk Reinfeld responding affirmatively.

CITIZEN COMPLAINTS. Mr. Flatley stated that citizen complaints would now be assigned to Administrative Aide Candice Ordway who could be contacted at 797-1035.

7. CONSENT AGENDA

Minutes

7.1 March 18, 1998 - Regular Meeting

Proclamations

7.2 Navy Days 1998 (June 22, 1998)

Resolutions

7.3 CLAIM SETTLEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-207 AUTHORIZING THE MAYOR TO SIGN A RELEASE FOR SETTLEMENT OF SUBJECT CLAIM BETWEEN THE TOWN OF DAVIE AND FLORIDA POWER & LIGHT COMPANY; AND PROVIDING AN EFFECTIVE DATE. (\$1,427.64; damage to fire hydrant)

7.4 RANKINGS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-208 APPROVING THE RANKINGS FOR OPERATION OF AFTER SCHOOL DAY CARE PROGRAMS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (West Broward YMCA and L'il Rascals Academy)

7.5 RANKINGS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-209 APPROVING THE RANKINGS FOR ENGINEERING SERVICES FOR THE NW 38 STREET DRAINAGE PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Carr Smith Corradino; Keith & Schnars, P.A.; and Miller Legg & Associates, Inc.)

7.6 FUNDING APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-210 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE "COPS MORE" PROGRAM ADMINISTERED BY THE U. S. DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES. (purchase of laptop and desktop computers; \$431,250 grant and \$143,750 match)

7.7 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-211 AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE GOLD COAST DOG CLUB FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT DOG HANDLING COMPETITION. (October 16 and 17, 1999; arena rental fee - \$1,000)

7.8 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-212 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (February 6 and 7, 1999; arena rental fee - \$1,000)

7.9 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-213 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE GEHL GROUP FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (December 4, 1998; arena rental fee - \$1,525)

7.10 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-214 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH 99.9 KISS COUNTRY FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (July 5, 1998; arena rental fee - \$500)

7.11 BIDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-215 BIDS FOR RENTAL OF HEAVY EQUIPMENT. (lowest bidder as primary vendor and next lowest bidder as secondary vendor)

7.12 BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-216 EXTENDING THE BID FOR LABORATORY TESTING OF DRINKING WATER AND WASTEWATER. (Harbor Branch Environmental Institute, Inc. through July 3, 2000)

7.13 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-217 APPROVING THE SPECIAL MASTERS'S RECOMMENDATION FOR MITIGATION OF THE

CODE ENFORCEMENT FINE IN CASE NO. 93-122 FROM \$25,000 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (ElectRic Car, Inc. and Dale R. Noland)

7.14 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-218 APPROVING THE SPECIAL MASTERS'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 97-340 FROM \$2,750 IN AMOUNT TO \$400; AND PROVIDING AN EFFECTIVE DATE. (Mark and Kim A. Roehrig)

7.15 SECURITY LIEN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-219 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT AMONG THE TOWN OF DAVIE, D.C. CASEY COMPANY, KEITH & BALLBE' INVESTMENTS, INC., AND BROWARD COUNTY RELATING TO THE PROVISION OF A LIEN FOR THE SECURITY TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE STIRLING MEADOWS PLAT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.

7.16 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-220 AUTHORIZING A REVISION TO THE WESTPORT BUSINESS PARK PARCELS A&B PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-98, 6427 Nova Drive)

7.17 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-221 AUTHORIZING A REVISION TO THE LESTER INDUSTRIAL PARK PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 5-3-98, 5005 State Road 7)

7.18 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-222 AUTHORIZING A REVISION TO THE S&Z SUBDIVISION PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 6-1-98, 7080 State Road 84)

7.19 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-223 AUTHORIZING A REVISION TO THE SOUTH 84 PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 6-2-98, 7420 State Road 84)

Ordinances - First Reading (Public Hearing to be held July 1, 1998)

7.20 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES BY ADDING THERETO UNDER ARTICLE III, A NEW SECTION TO BE NUMBERED 25-32; PROVIDING FOR EMERGENCY UTILITY RATE STRUCTURE AND RESTRICTIONS FOR LANDSCAPE WATERING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

7.21 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC-98-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING EXISTING POLICIES AND AN OBJECTIVE, AND ADDING NEW POLICIES RELATING TO THE "REGIONAL ACTIVITY CENTER" DESIGNATION; BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM: "RESIDENTIAL," "RESIDENTIAL/OFFICE," "COMMERCIAL," "COMMERCE/ OFFICE," "INDUSTRIAL," "UTILITY," "COMMUNITY FACILITY," "RECREATION AND OPEN SPACE," AND "AGRICULTURE"; TO: "REGIONAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7.22 AMENDING RATE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

7.23 SUSPENSION OF REVIEW OF SITE PLANS/BUILDING PERMITS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NOS. 96-29, 96-52, 97-017 AND 97-68 BY REINSTATING AND EXTENDING TO OCTOBER 14, 1998, THE SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING PERMITS FOR ANY AND ALL EXISTING OR PROPOSED SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Paul asked that item 7.21 be removed from the Consent Agenda.

Town Clerk Reinfeld read the ordinances-first reading by title only. Vice-Mayor Cox advised that a public hearing on items 7.20 through 7.23 would be held on July 1, 1998.

7.2 Kathleen Bleier invited Council to be on board the U.S.S. Leyte Gulf where Silver Ridge Elementary School would officially adopt the ship. Town Clerk Reinfeld read the proclamation in its entirety.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without item 7.21. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.21 Councilmember Paul asked Development Services Director Michele Mellgren to provide assurances as to what was involved with the comprehensive plan amendment. Ms. Mellgren explained the ordinance.

Councilmember Paul clarified that this amendment did not change any rezonings and would not involve any of the flex in terms of density.

Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

8. PUBLIC HEARINGS

Vice-Mayor Cox opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

8.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-27 VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 36 STREET, WHICH PORTION IS LOCATED BETWEEN PINE ISLAND ROAD AND ROLLING HILLS CIRCLE, AND BETWEEN THE ROLLING HILLS GOLF AND TENNIS CLUB PLAT AND ISLA MERITA CONDOMINIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 3-1-98, SW 36 Street from Pine Island Road east 1,114 feet) (tabled from June 3, 1998)

Town Clerk Reinfeld read the ordinance by title.

Vice-Mayor Cox asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Special Permit

8.2 SE 4-2-98, Blum/Colyer, 10401 Orange Drive (A-1) Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the voluntary deed restrictions as amended concerning the hours of operation and limiting the hours in which dogs would be outside from 9:00 a.m. to 5:00 p.m.

This item was heard later in the meeting.

Resolution

8.3 AMENDING FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE,

R-98-224 FLORIDA, AMENDING THE CURRENT FEE SCHEDULE FOR BUILDING PERMIT FEES OF THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title.

Vice-Mayor Cox asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Item to be tabled

8.4 PLANNING AND ZONING BOARD CONTINUED TO JUNE 24, 1998; STAFF REQUESTING A TABLING TO AUGUST 5, 1998

VACATION/ABANDONMENT - VA 12-1-97, Nickerson, 5357 SW 48 Street (tabled from May 20, 1998)

This item was tabled earlier in the meeting.

Item to be Withdrawn

8.5 APPLICATION WITHDRAWN BY PETITIONER

SPECIAL PERMIT - SE 4-1-98, Fraynd/Mt. Kenya Lodge, Inc., 4201 SW 95 Avenue (A-1)


This item was withdrawn earlier in the meeting.

Vice-Mayor Cox indicated that she would not be closing the public hearing until after item 8.3 had been discussed.

9. APPOINTMENTS

9.1 Voting Delegate for Florida League of Cities (August 13 - 15, 1998)

Vice-Mayor Cox indicated that Councilmember Bush had been the delegate in the past and asked if anyone else wished to volunteer. No other Councilmember volunteered to serve. Vice-Mayor Cox asked for a vote on Councilmember Bush being the delegate. In a voice vote, with Mayor Venis being absent, all voted in favor.

9.2 Parks and Recreation Advisory Committee (one exclusive appointment  Councilmember Weiner; term expires August 1998) (appointment to be individual concerned with or having an interest in park facilities and recreational needs of Davie residents)

Councilmember Weiner appointed Michele Whitman.

10. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS

There was no old business to be discussed.

11. NEW BUSINESS

11.1 Policy for Occupational License Refund (tabled from June 3, 1998)

Ms. Mellgren explained that if a license could not be issued because it did not meet the zoning regulations or if the business failed the fire inspection, and if a refund was requested, a refund would be issued on a prorated basis depending on the Town's actual cost.

11.2 Speed Humps in Ivanhoe and Shenandoah Areas

Mayor Venis stated that a meeting was held regarding the speed humps in the Ivanhoe area and Mr. Rawls felt that speed humps would be effective to control the speed in the area. Vice-Mayor Cox questioned if the residents knew that they would hear the noise from traffic driving over the speed humps with Howard Neu, President of the Hawkes Bluff Homeowners Association, responded in the affirmative.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to give direction to the Town to proceed [with speed bumps in the Ivanhoe area]. In a roll call vote, the vote was as follows: Mayor Venis - yes;

Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis stated that a meeting was held with Ralph Merritt, President of the Shenandoah Homeowners

Association, who indicated that the Board was in agreement for speed humps.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve [to give direction to the Town to proceed with speed bumps in the Ivanhoe area]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis distributed Resolution R-95-8 regarding a policy of not requiring the western areas of Davie to be provided with city water. He added that the resolution required the residents approval should the Town wish to proceed. Mayor Venis asked if the current Council could reaffirm the resolution to ease the resident's concerns. Mr. Webber stated that the adopted resolution was still in effect, but a vote could be taken whether Council supported and continued the philosophy of this resolution.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to reaffirm the resolution [R-95-8]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion to table item 8.3 to the next Council meeting. Jeff Katims, Planner, advised that the applicant was in route to the meeting. Councilmember Weiner withdrew his motion.

Mayor Venis called for a recess at 8:12 p.m. The meeting reconvened at 8:18 p.m.

8.3 Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition to the application with no one responding. Mr. Katims summarized the planning report.

Marni Blum, representing the petitioner, explained the request. She displayed photographs of the property and presented two additional letters of support from her neighbors. Ms. Mellgren indicated that the boarding kennel was permitted in the zoning district and explained that the special permit was only for the dog run. Mr. Webber accepted the letters into evidence. Discussion ensued.

Ms. Blum requested that a wood privacy fence be considered as an option to a concrete wall as noise bounced off a masonry wall without a ceiling. She added that shrubbery around the fence would be provided. Mr. Rawls explained that there was a new masonry product that was specifically designed to capture sound which was most effective in sound absorption and added that another issue would be the durability of the product as a wooden product had a certain lifespan. He indicated that the shrubbery was a good device to soften the visibility of the wall, however, he could not represent that it had substantial sound absorbing qualities whether there was wood fencing or a concrete wall behind the shrubbery.

Mayor Venis questioned the Town's recourse if there was too much noise. Mr. Webber indicated that the Town had the authority to provide for conditions to a special permit. He stated that one of the best protections the Town could have was to provide a period of duration and then Council had the opportunity to determine if the special permit was working.

Councilmember Weiner questioned if the special permit could be conditioned upon the ownership or operation with Mr. Webber responding affirmatively. Vice-Mayor Cox questioned how the Town could enforce the number of dogs with Ms. Mellgren responding that this was difficult to enforce unless the applicant was willing to allow Town's staff on the property. Mayor Venis indicated that he would like the noise to be monitored.

Susan Blum, representing the petitioner, also discussed the request. Councilmember Weiner asked Ms. S. Blum if she would be willing to stipulate the Town being able to inspect the property at reasonable times. Ms. S. Blum responded affirmatively.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the special permit. No one spoke.

Mr. Webber stated that the hearing was concluded.

After a brief discussion, Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the request for special permit subject to the recommendation of the Planning and Zoning Division and the Planning and Zoning Board and in addition, limiting the request to a three year period subject to a review once a year and that Code Enforcement had a right to inspect the premises during reasonable times. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul -

yes; and Councilmember Weiner - yes. (Motion carried 5-0)

12. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 8:58 p.m.